

REMARKS

The Examiner has rejected Claims 5 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,928,952 to Hutchins ("Hutchins"). Claims 5 and 8 stand currently amended. Claims 1-4, 6, and 7 stand previously canceled. Claims 5 and 8-10 are currently pending. The following remarks are considered by applicant to overcome each of the Examiner's outstanding rejections to current claims 5 and 8-10. An early Notice of Allowance is therefore requested.

I. SUMMARY OF RELEVANT LAW

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

II. REJECTION OF CLAIMS 5 AND 8-10 UNDER 35 U.S.C. § 102(B) BASED ON HUTCHINS

On page 2 of the outstanding Office Action, the Examiner rejects Claims 5 and 8-10 as being anticipated by Hutchins. These rejections are traversed and believed overcome in view of the following discussion.

Amended independent Claim 5 states, in part:

"at least one central transport system, which is separate from the modules and asynchronously transfers the plates between individual modules;

"wherein each of the modules includes a respective internal transport system which transports plates between the central transport system and the respective device of each module, each internal transport system including at least one revolving table having two plate locations for holding two respective plates;

"wherein the at least one revolving table of each module functions as an input and output buffer to transfer the plates to and from the at least one central transport system." (emphasis added).

The above language of amended Claim 5 was discussed with the Examiner during a telephonic interview held on May 27, 2009. During that interview, Examiner agreed that the above language of Claim 5 is distinguishable over Hutchins.

In particular, Examiner agreed that Hutchins does not teach a central transport system that “asynchronously transfers the plates between individual modules”. Rather, Hutchins teaches that the transport system 21 transports assay products from a preceding unit to a succeeding unit successively in a sequential manner, and not asynchronously as stated in Claim 5. Hutchins, Col. 3, Ln. 62 – Col. 4, Ln. 4.

Examiner also agreed that Hutchins does not teach a module having an internal transport system the includes at least one revolving table having two plate locations for holding two respective plates, as stated in Claim 5. Rather, element 62 in Figs. 5b and 5c (which Examiner asserts discloses an internal transport system) have two positions, but not two plate locations, as stated in Claim 5. In fact, as shown in Figs. 5b and 5c, element 62 of Hutchins can only hold one plate at a time, and not two plates as stated in Claim 5.

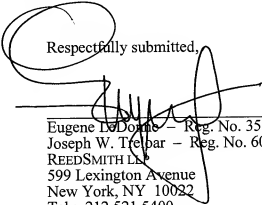
In addition, Examiner agreed that Hutchins does not teach that the revolving table of each module functions as an input and output buffer to transfer the plates to and from the at least one central transport system, as stated in Claim 5. The transport system 21 (which Examiner asserts discloses a central transport system) includes the robotic devices 23. Hutchins, Col. 3, Ln. 62 – Col. 4, Ln. 4. These robotic devices 23 are part of the transport system 21, and not any internal transport system or revolving table. Hutchins, Col. 3, Ln. 62 – Col. 4, Ln. 4. It is these robotic devices 23, which transfer the plates to and from the transport system 21, and not any revolving table that functions as an input and output buffer, as stated in Claim 5. Hutchins, Figs. 2, 3, and 5a-5c.

Accordingly, Applicants respectfully assert that Examiner has failed to establish a prima facie case of anticipate of independent Claim 5, and corresponding Claims 8-10 because they are dependant from Claim 5. Therefore, Applicant respectfully requests Examiner remove

the rejection of Claims 5 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,928,952 to Hutchins.

Based upon the above remarks, Applicant respectfully requests reconsideration of this application and its early allowance. Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

Respectfully submitted,



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